



# **Weekly Summary of Decisions**

## National Labor Relations Board

Week of January 25-28, 2011, W-3297

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### **Summarized Board Decisions**

**Gimrock Construction, Inc.** (12-CA17385, et al.; 356 NLRB No. 83) Hialeah Gardens, FL, January 28, 2011. [\[HTML\]](#) [\[PDF\]](#)

The Board adopted the administrative law judge's recommended supplemental order which required, among other things, that the respondent bargain with the union for 16 hours a week and submit a progress report to the Regional Director every 30 days. In doing so, the Board detailed the respondent's steadfast refusal to comply with the Board's June 30, 2005 orders, enforced by the U. S. Court of Appeals for the Eleventh Circuit, requiring it to meet and bargain with the union, to furnish the union with its requested information, and to reinstate the union strikers. The Board also upheld the gross and net backpay calculations as reasonable and ordered the respondent to provide such payment to the strikers.

Charges filed by the International Union of Operating Engineers, Local 487. Administrative Law Judge Ira Sandron issued his supplemental decision November 16, 2009. Chairman Liebman and Members Pearce and Hayes participated.

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### **Unpublished Board Decisions in Representation Cases**

**First Student, Inc.** (6-RC-12778) Hempfield Township, PA, January 24, 2011. The Board having considered objections to an election held October 29, 2010, and the Hearing Officer's report recommending disposition of them, and having no exceptions, adopted the Hearing Officer's findings and recommendations and found that a certification of results of election should be issued. Petitioner – Teamsters Local 30 a/w International Brotherhood of Teamsters.

**Veritas Health Services, Inc. d/b/a Chino Valley Medical Center** (31-RC-8795) Chino, CA, January 25, 2011. The Board having considered objections to an election held April 1-2, 2010, and the Administrative Law Judge's report recommending disposition of them, and having reviewed the record in light of exceptions and briefs, adopted the judge's findings and recommendations, and found that a certification of representative should be issued. Petitioner –

United Nurses Associations of California/Union of Health Care Professions, NUHHCE, AFSCME, AFL-CIO. Members Becker, Pearce, and Hayes participated.

**Integrow Malt, LLC** (27-RC-8572) Idaho Falls, ID, January 25, 2011. The Board having considered objections to an election held October 23, 2009, and the Hearing Officer's report recommending disposition of them, and having reviewed the record in light of the exceptions and briefs, adopted the Hearing Officer's findings and recommendations, and found that a certification of representative should be issued. Petitioner – International Brotherhood of Electrical Workers, Local 449. Chairman Liebman and Members Pearce and Hayes participated.

**Kleet Lumber Co., Inc.** (29-UC-573) Huntington, NY, January 27, 2011. Order denying union's request for review of the Acting Regional Director's decision and order. Petitioner – International Brotherhood of Teamsters, Local 1205. Chairman Liebman and Members Pearce and Hayes participated.

**Avid Waste Services, Inc.** (2-RC-23526) Bronx, NY, January 27, 2011. The Board having considered an objection to an election held September 10, 2010, and the Hearing Officer's report recommending disposition of it, and having reviewed the record in light of exceptions and briefs, adopted the Hearing Officer's findings and recommendations and found that a certification of representative should be issued. Petitioner – Waste Material Recycling and General Industrial Laborers' Local 108, LIUNA. Chairman Liebman and Members Pearce and Hayes participated.

**Bon Secours Charity Health Systems, Warwick Healthcare Campus** (2-RC-23303) Warwick, NY, January 28, 2011. The Board having considered objections to an election held October 30, 2008, and the Administrative Law Judge's decision recommending disposition of them, and having reviewed the record in light of exceptions and briefs, adopted the judge's findings and recommendations and found that the election should be set aside and a new election held. Petitioner – 1199 SEIU, United Healthcare Workers East. Chairman Liebman and Members Becker and Hayes participated.

**Integrow Malt, LLC** (27-RC-8572) Idaho Falls, ID, January 28, 2011. Order correcting decision of an inadvertent error in the issuance date of January 25, 2011 to correct date of January 28, 2011. Petitioner – International Brotherhood of Electrical Workers, Local 449.

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## Decisions of Administrative Law Judges

**International Union of Operating Engineers, Local 302** (19-CA-32298, et al.; JD(ATL)-02-11) Bothell, WA. Decision and order transferring proceeding to NLRB. Charge filed by Individuals and Office & Professional Employees International Union, Local 8. Administrative Law Judge George Carson II issued his decision January 24, 2011. [[HTML](#)] [[PDF](#)]

**Sikorsky Support Service, Inc. d/b/a Sikorsky Aerospace Maintenance** (15-CA-19692; JD(ATL)-01-11) Fort Rucker, AL. Decision and order transferring proceeding to NLRB. Charge filed by International Association of Machinists and Aerospace Workers, AFL-CIO. Administrative Law Judge Margaret G. Brakebusch issued her decision January 24, 2011. [[HTML](#)] [[PDF](#)]

***Ecology Services, Inc.; Ecology Services Curbside Collection Services, LLC; Ecology Services Anne Arundel County Cartage, LLC; a single employer*** (5-CA-35334, et al.; JD-02-11) Pasadena, MD. Decision and order transferring proceeding to NLRB. Charge filed by Individuals. Administrative Law Judge Earl E. Shamwell, Jr. issued his decision January 26, 2011. [[HTML](#)] [[PDF](#)]

***Excalibur Charter School, Inc.*** (28-CA-23039; JD(NY)-03-11) Apache Junction, AZ. Decision and order transferring proceeding to NLRB. Charge filed by an Individual. Administrative Law Judge Joel P. Biblowitz issued his decision January 26, 2011. [[HTML](#)] [[PDF](#)]

***First Transit, Inc.*** (28-CA-23017; JD(SF)-03-11) Phoenix, AZ. Decision and order transferring proceeding to NLRB. Charge filed by Amalgamated Transit Union Local 1433, AFL-CIO. Administrative Law Judge Lana Parke issued her decision January 26, 2011. [[HTML](#)] [[PDF](#)]

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